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SEP 03 1998-

CONCORD, N.H.

1952

Feb. 1

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex

Dear Sir:

Under date of January 31, 1952 you have inquired whether the approval of the Governor and Council is necessary for each modification of the original Federal-State agreement made under the provisions of Laws of 1951, chapter 234.

Under the provisions of section 3 of the cited statute, the state agency, with the approval of the Governor and Council is authorized, on behalf of the State, to enter into an agreement with the Federal Security Administrator for the purpose of extending the benefits of federal old age and survivors insurance to eligible employees of the State or political subdivisions of the State. The statute clearly contemplates that the basic agreement shall, from time to time be modified to extend such coverage to employees not covered under the original agreement. Since Governor and Council approval is required for the original agreement, it is not seen how a lesser requirement can obtain in respect to modifications thereof. Therefore, in the opinion of this office, Governor and Council approval is required each time the state agency undertakes to modify the basic agreement with the federal government.

Very truly yours,

Warren E. Waters
Assistant Attorney General

WEW:RM